

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Katie Ann Rivera

Docket No. 7:11-CR-129-1D

Petition for Action on Supervised Release

COMES NOW Kristyn Super, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Katie Ann Rivera, who, upon an earlier plea of guilty to Conspiracy to Rob a Business Engaged in Interstate Commerce, in violation of 18 U.S.C. § 1951, was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge, on January 29, 2013, to the custody of the Bureau of Prisons for a term of 28 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

Katie Ann Rivera was released from custody on December 6, 2013, at which time the term of supervised release commenced.

On August 21, 2014, a Violation Report was submitted to the court advising that the defendant was charged with Driving While License Revoked in Onslow County, North Carolina. The probation officer recommended, and the court agreed, to allow supervision to continue as this was her first infraction and she was previously in compliance with supervision requirements.

On July 14, 2015, a Violation Report was submitted to the Court advising that the defendant tested positive for marijuana. At that time, the probation officer recommended, and the court agreed, to allow supervision to continue and that she remain in the Surprise Urinalysis Program.

On September 16, 2015, a Petition for Action on Supervised Release was submitted to the court advising that the defendant tested positive for marijuana. The defendant subsequently entered substance abuse treatment, and on September 22, 2015, the conditions of supervision were modified to include home detention with location monitoring for a period of 30 days as a sanction for the violation.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On September 24, 2015, Rivera submitted to urinalysis screening which was confirmed positive for cocaine by Alere Laboratories on October 4, 2015. The defendant was confronted on October 6, 2015, at which time she admitted to using cocaine approximately three days prior to the screening. It is noted the defendant was not on home detention at the time of this reported use. She recently enrolled at Miller Motte Community College with classes scheduled to begin on October 7, 2015. Rivera is participating in the Surprise Urinalysis Program and her testing has been increased to the highest level. The probation officer is recommending imposition of a 90-day term of home detention with location monitoring as a sanction for this most recent drug use.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 90 consecutive days. The defendant shall be restricted to residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Kristyn Super
Kristyn Super
U.S. Probation Officer
200 Williamsburg Pkwy, Unit 2
Jacksonville, NC 28546-6762
Phone: 910-346-5104
Executed On: October 8, 2015

ORDER OF THE COURT

Considered and ordered this 11 day of October, 2015 and ordered filed and made a part of the records in the above case.


James C. Dever III
Chief U.S. District Judge